



## YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 100-3	Subject: <b>DETENTION PROCEDURES</b>
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Applicable ACA Standards: 2-7008, 2-7099, 2-7160, 2-7165, 2-7170, 2-7215, 3-JCRF-3A-08	Revision Date: 05-15-03, 09-15-2004, 01-09-06, 11-06-06, 11-23-07, 10-10-08, 1-15-09, 4-10-09
Signature: /s/ Karen Duncan	Effective Date: 12-31-02
Signature: /s/ Steve Gibson	

### I. BUREAU DIRECTIVE:

Youth Community Corrections (YCC) Bureau employees will follow established procedures to detain a youth who has violated his/her parole agreement or has committed a new offense. These procedures outline the process and officer responsibilities when detaining a youth in a juvenile detention facility. This procedure will be reviewed annually and updated as needed.

### II. DEFINITIONS:

**Cancellation of Certificate to Detain** - the original Certificate to Detain document sent to the CJIN/NCIC operator who entered the Certificate to Detain information requesting that the Certificate be canceled. The officer will date and sign the cancellation notice located at the bottom of the Certificate to Detain.

**Certificate to Detain** - a certificate issued by the Department authorizing the placement of a youth in a detention facility.

**Criminal Justice Information Network (CJIN)** - a network managed by the Department of Justice (DOJ). CJIN is the Montana computerized telecommunications network that provides the means for criminal justice agencies in Montana to access National Crime Information Center (NCIC), National Law Enforcement Telecommunications System (NLETS), DOJ files, other agencies with terminals within the State of Montana, and the Montana Wanted Person, Stolen Vehicle and Stolen License Plate files.

**Detention** - the holding or temporary placement of the youth in the youth's home under house arrest or in a facility other than the youth's own home for the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody.

**Juvenile Detention Facility** - a licensed detention facility authorized to detain youth for a specific period of time. Short-term facilities may detain a youth up to ten days, excluding weekends and holidays. A long-term facility may detain a youth up to and in excess of ten days.

**National Crime Information Center (NCIC)** - a network managed by the FBI. NCIC is a nationwide computerized index of documented criminal justice information concerning crimes and criminals of nationwide interest and a locator-type file for missing persons. Authorized agencies may inquire, enter, modify, locate, clear, and cancel records in the NCIC files. The NCIC files are

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Wanted Persons; Missing Persons; Unidentified Persons; Foreign Fugitives; U.S. Secret Service Protective; Bureau of Alcohol; Tobacco and Firearms; Violent Felons; Violent Gang and Terrorist Organizations; Articles; Boats; Guns; Vehicles; License Plates; Securities; and the Interstate Identification Index of criminal history records.

### III. PROCEDURES:

#### A. STEPS:

#### RESPONSIBILITY:

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|----|--|-------------------------|
| 1. | Log all Certificates to Detain and NCIC/CJIN entries in the attached [ <a href="#">YCC 100-3 (B)</a> ] Certificate to Detain Warrant Log. Remember to log cancellations also.  | Juvenile Parole Officer |
| 2. | In conjunction with procedure <a href="#">YCC 100-1</a> , Parole Violation Overview, a Certificate to Detain is issued. Then it is forwarded to the NCIC/CJIN operator for entry or used to apprehend and detain a youth in a juvenile detention facility. | Juvenile Parole Officer |

#### Criteria to Detain:

Alleged violation of parole agreement and one of the following:

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|----|--|--|
| a. | protection of the public   |  |
| b. | prevention of self-injury  |  |
| c. | transfer to another jurisdiction   |  |
| d. | need to ensure the presence of the youth at subsequent court or Department of Corrections hearings |  |
| e. | to protect the person or property of the youth or of others  |  |
| f. | the youth may abscond  |  |
| g. | the youth may be removed from the community  |  |
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- |    |  |  |
|----|--|--|
| 3. | The Certificate to Detain form is issued and all information is completed prior to entering into NCIC/CJIN. The Certificate to Detain is given a number by the Pine Hills NCIC Operator and documented into a Certificate to Detain warrant log. [Refer to <a href="#">YCC 100-3 (B)</a> ] | Juvenile Parole Officer or<br>for YTC, YTC Staff |
|----|--|--|

The number system consists of:

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<u>SB</u>	<u>2</u>	<u>08</u>	<u>01</u>
<i>Officer's</i>	<i>Region</i>	<i>Calendar</i>	<i>Sequence</i>
<i>Initials</i>		<i>Year</i>	<i># for</i>
			<i>calendar</i>
			<i>Year</i>

Example: SB-2-08-01  
*Certificate number*

If the youth has absconded supervision, then the Pine Hills NCIC operator will enter the Certificate to Detain into the CJIN/NCIC networking system. A copy of the committing court order must be attached to the Certificate to Detain. Follow these instructions and use attachment [YCC 100-3 \(E\) NCIC/MT Wanted Person File Entry Sheet](#).

***Information on the Entry of Youth into the NCIC/CJIN System***

In order to comply with NCIC and CJIN regulations, Pine Hills must have a minimum amount of information and documentation in order to enter an absconded youth into the computer system.

The following should be faxed to Pine Hills (406-233-2338):

- a. A copy of the court order adjudicating the youth to the Department of Corrections, which grants the Department supervisory authority over the youth;
- b. A copy of the signed Certificate to Detain is issued by Youth Community Corrections for absconders or by Pine Hills for escapes from Pine Hills Youth Correctional Facility, Riverside Youth Correctional Facility, or from transportation; and
- c. A completed NCIC/MT Wanted Person File Entry Sheet.

After the fax transmission is complete, please follow-up to 406-233-2300 to verify receipt of your fax.

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Provide as much information as possible for the youth being entered. The fields on the Wanted Person File Entry Sheet are as follows:

**OCA** – (*Pine Hills will assign a number to the Certificate to Detain upon receipt*)

**NIC** – (*left blank for Pine Hills to complete upon entry*)

**REQ** – The initials of the officer requesting the entry

**Optional Indicators:**

**Caution:** If checked, a detailed description of the reason for officer caution must accompany the entry.

**Youth:** Should be checked in every case.

**Montana Only:** If checked, the youth will be entered in Montana Only. A reason for excluding national entry should accompany the entry.

**NAM:** Last Name, First Name, Middle Name

**DOB:** Date of Birth

**DOE:** Date of Emancipation (age 18)

**SOC:** Social Security Number

**POB:** Place of Birth

**SEX:** M or F

**RAC:** Race

**HGT:** Height (i.e. 506)

**WGT:** Weight (i.e. 160 or 095)

**EYE:** Eye Color

**HAI:** Hair Color

**SKN:** Skin Complexion

**SMT:** Scars, Marks, Tattoos. A detailed description should be included for entry into the miscellaneous field

**FBI:** FBI Number (not typically assigned in youth cases)

**FPC:** Fingerprint classification (not typically assigned in youth cases)

**MNU:** Miscellaneous number, such as Juvenile Offender Number (JO#)

**OLS:** Driver License State

**OLN:** Driver License Number

**OFF:** Offense Code (**8100 – Escape from**

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**Custody or 8101 Abscond While on Parole)**

Brief information describing original offense is required for entry [OOC (Original Offense Code)]

**DOW:** Date of Warrant or Certificate to Detain

**OCA:** Originating Case Agency Number (*Pine Hills will assign a number to the Certificate to Detain upon receipt*)

**LIC:** Vehicle License Number, if the youth possesses a car

**LIS:** Vehicle License State

**LIT:** License Type [*to be verified by PHYCF staff by RQ (Registration Query)*]

**VIN:** **Vehicle Identification Number** (*to be verified by PHYCF Staff by RQ*)

**VYR:** Vehicle Year

**VMA:** Vehicle Make (i.e. Ford)

**VMO:** Vehicle Model (i.e. Mustang)

**VST:** Vehicle Style (i.e. 4-door, coupe)

**VCO:** Vehicle Color

**MIS:** Miscellaneous information concerning cautions, health conditions that might endanger the youth, descriptions of scars, marks, tattoos, or other identifying traits

**Authority:** PHYCF Superintendent (*for purposes of entry, the agency head for the CJIN terminal*)

*The author of the original certificate needs to cancel the Certificate to Detain and provide the following information which will be entered by PHYCF staff: cancel, entered by, modify, date, and cleared.*

**Please include any known alias names, dates of birth, and social security numbers at the bottom of the form.**

**The author of the Certificate to Detain will include their full first and last name at the bottom of the form.**

**Provide canceling, clearing, or modifying information for the computer entry.**

Certificates to detain that are discovered to be invalid and/or not executed **must** be canceled by

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immediately faxing a request to cancel the entry to Pine Hills.

Certificates to detain that are executed by Department personnel will be cleared from the system by faxing the completed certificate to clear the wanted entry. Certificates to detain that are executed by law enforcement will be cleared through the CJIN system.

Any modifications that might occur to the original entry, such as corrected information, should be faxed immediately to Pine Hills.

For criminal background checks, fax your signed request with the person's full name, date of birth, and social security number (refer to [YCC 60-14 \(C\) Background Check Request](#)).

Please direct any questions or concerns regarding the Pine Hills CJIN Terminal to:  
Director of Care and Custody 406-233-2266 or  
Administrative Officer 406-233-2291

When the youth's in-state whereabouts is known, a Certificate to Detain is **NOT** entered into the NCIC/CJIN. The Certificate to Detain will be given directly to the officer apprehending and/or detaining the youth. The Certificate to Detain will be signed, served, and a copy will be given to the detention facility.

Juvenile Parole Officer

4. Once the youth is detained, the CJIN/NCIC entry must be cancelled. Cancellation is effected by officer signing, dating, and forwarding Certificate to Detain to NCIC/CJIN operation. This should be accomplished immediately if possible but not later than within two days. A copy will be placed in the youth's file.

Juvenile Parole Officer

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5. Upon completion of the investigation of the alleged offenses/violations, a decision regarding continued detention of the youth must be made according to #1 of this section and the following guidelines:
  - a. If the alleged offenses/violations are unfounded, the youth will be released immediately.
  - b. If the alleged offenses/violations are of a nature that could be effectively dealt with by medium sanctions; and when there is evidence to believe that there will be some changed circumstances that will reduce the risk to re-offend should the youth be released back into the community; or, if the appropriate intervention would be to place the youth in a different but non-secure placement, an intervention agreement should be executed. Refer to [YCC 100-2](#) and [YCC 100-2 \(A\)](#).
  - c. If the alleged offenses/violations are of a serious and/or chronic nature that fully justifies the need for a return to a correctional facility to insure community protection, accountability, and competency development, then follow [YCC 100-4](#) On-Site Hearings procedure. Continued detention is usually advisable under this circumstance.
  
6. If the youth is detained for any of the reasons listed in **Criteria to Detain**, a violation hearing must be scheduled and held within 10 days, excluding weekends and holidays. A youth will not be held in a short-term detention facility longer than ten days excluding weekends and holidays. (Refer to [YCC 100-4](#) for exceptions.) It is a preferred practice of the Youth Services Division that youth not be detained for more than five days. If a youth must be detained over five days, the Bureau Chief or designee must approve.
  
7. Prior to the youth being released from the detention facility, an Authorization to Release form [refer to [Attachment YCC 100-3 \(C\)](#)] must be given to the detention facility by fax or hand delivered.

Juvenile Parole Officer

Juvenile Parole Officer

Juvenile Parole Officer

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|-----|---|---|
| 8.  | Detention facility protocol may vary from region to region. It is important that the officer recognizes the protocol of each youth court jurisdiction. Prior to issuing a Certificate to Detain, the officer should inquire as to the space availability, time needed for detainment and the reality that the officer may be expected to transport the youth at any given time, day or night. The officer should be aware that in some Regional Detention Facilities, protocol is that youth court youth take precedence over Department of Corrections youth. Therefore, the officer may be required to locate and transport the youth to a different juvenile detention facility. | Juvenile Parole Officer   |
| 9.  | For detention billing purpose, the Certificate to Detain must be filled out completely and the Verification of Youth's Detention must be completed prior to DOC payment approval. The Certificate to Detain and the Authorization to Release form must be attached to the detention bill, given to the Regional Administrative Officer, and then forwarded to the Youth Community Corrections Bureau Chief or designee for approval.  | Juvenile Parole Officer,<br>Regional Administrative<br>Officer,<br>Youth Community<br>Corrections Bureau<br>Chief |
| 10. | A list of the licensed Montana Juvenile Detention Facilities, maximum bed available and phone numbers is maintained in each office/computer for reference.<br>Form <a href="#">YCC 100-3 (D)</a>  | Juvenile Parole Officer   |

#### IV. CLOSING:

Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief or designee.

#### V. REFERENCES:

<a href="#">41-5-321, MCA</a>	<a href="#">Taken into Custody</a>
<a href="#">41-5-341, MCA</a>	<a href="#">Criteria of Youth in Secure Detention Facilities</a>
<a href="#">41-5-1513, MCA</a>	<a href="#">Disposition Delinquent Youth Restrictions</a>
<a href="#">52-5-127, MCA</a>	<a href="#">Control Over Youth Released Under Parole Agreement</a>
<a href="#">52-5-128, MCA</a>	<a href="#">Detention of Youth Who Violates Parole Agreement</a>
<a href="#">52-5-129, MCA</a>	<a href="#">Hearing on Alleged Violation of Parole Agreement –</a>



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<a href="#"><i>53-1-203, MCA</i></a>	<a href="#"><i>Right to Appeal Outcome</i></a>
<a href="#"><i>ARM 20.9.601</i></a>	<a href="#"><i>Powers and Duties of Department of Corrections</i></a>
<a href="#"><i>YCC 1.1.3</i></a>	<a href="#"><i>Purpose - Licensure of Youth Detention Facilities</i></a>
<a href="#"><i>YCC 1.1.15</i></a>	<a href="#"><i>Organization and Responsibility</i></a>
<a href="#"><i>YCC 4.7.4</i></a>	<a href="#"><i>Juvenile Detention</i></a>
	<a href="#"><i>Violation of Juvenile Parole Agreement</i></a>

## VI. ATTACHMENTS:

[YCC 100-3 \(A\) Certificate to Detain](#)  
[YCC 100-3 \(B\) Certificate to Detain Log](#)  
[YCC 100-3 \(C\) Authorization to Release Youth](#)  
[YCC 100-3 \(D\) Juvenile Detention Facilities List](#)  
[YCC 100-3 \(E\) NCIC/MT Wanted Person File Entry Sheet](#)  
[YCC 100-3 \(F\) NCIC/CJIN Criteria](#)